

Pub. L. 104-127, title II, §271(b), Apr. 4, 1996, 110 Stat. 976.

§ 1736cc. Repealed. Pub. L. 101-624, title XV, § 1577, Nov. 28, 1990, 104 Stat. 3702

Section, Pub. L. 101-220, §13, Dec. 12, 1989, 103 Stat. 1884, prohibited duty drawback claims by exporters who used certain export promotion programs.

SUBCHAPTER V—FARMER-TO-FARMER PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1727e of this title.

§ 1737. John Ogonowski Farmer-to-Farmer Program

(a) Definitions

In this section:

(1) Caribbean Basin country

The term “Caribbean Basin country” means a country eligible for designation as a beneficiary country under section 2702 of title 19.

(2) Emerging market

The term “emerging market” means a country that the Secretary determines—

(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.

(3) Middle income country

The term “middle income country” means a country that has developed economically to the point at which the country does not receive bilateral development assistance from the United States.

(4) Sub-Saharan African country

The term “sub-Saharan African country” has the meaning given the term in section 3706 of title 19.

(b) Provision

Notwithstanding any other provision of law, to further assist developing countries, middle-income countries, emerging markets, sub-Saharan African countries, and Caribbean Basin countries to increase farm production and farm incomes, the President may—

(1) establish and administer a program, to be known as the “John Ogonowski Farmer-to-Farmer Program”, of farmer-to-farmer assistance between the United States and such countries to assist in—

(A) increasing food production and distribution; and

(B) improving the effectiveness of the farming and marketing operations of agricultural producers in those countries;

(2) use United States agricultural producers, agriculturalists, colleges and universities (including historically black colleges and universities, land grant colleges or universities, and foundations maintained by colleges or univer-

sities), private agribusinesses, private organizations (including grassroots organizations with an established and demonstrated capacity to carry out such a bilateral exchange program), private corporations, and nonprofit farm organizations to work in conjunction with agricultural producers and farm organizations in those countries, on a voluntary basis—

(A) to improve agricultural and agribusiness operations and agricultural systems in those countries, including improving—

- (i) animal care and health;
- (ii) field crop cultivation;
- (iii) fruit and vegetable growing;
- (iv) livestock operations;
- (v) food processing and packaging;
- (vi) farm credit;
- (vii) marketing;
- (viii) inputs; and
- (ix) agricultural extension; and

(B) to strengthen cooperatives and other agricultural groups in those countries;

(3) transfer the knowledge and expertise of United States agricultural producers and businesses, on an individual basis, to those countries while enhancing the democratic process by supporting private and public agriculturally related organizations that request and support technical assistance activities through cash and in-kind services;

(4) to the maximum extent practicable, make grants to or enter into contracts or other cooperative agreements with private voluntary organizations, cooperatives, land grant universities, private agribusiness, or nonprofit farm organizations to carry out this section (except that any such contract or other agreement may obligate the United States to make outlays only to the extent that the budget authority for such outlays is available under subsection (d) of this section or has otherwise been provided in advance in appropriation Acts);

(5) coordinate programs established under this section with other foreign assistance programs and activities carried out by the United States; and

(6) to the extent that local currencies can be used to meet the costs of a program established under this section, augment funds of the United States that are available for such a program through the use, within the country in which the program is being conducted, of—

(A) foreign currencies that accrue from the sale of agricultural commodities and products under this chapter; and

(B) local currencies generated from other types of foreign assistance activities.

(c) Special emphasis on sub-Saharan African and Caribbean Basin countries

(1) Findings

Congress finds that—

(A) agricultural producers in sub-Saharan African and Caribbean Basin countries need training in agricultural techniques that are appropriate for the majority of eligible agricultural producers in those countries, including training in—

- (i) standard growing practices;
- (ii) insecticide and sanitation procedures; and
- (iii) other agricultural methods that will produce increased yields of more nutritious and healthful crops;

(B) agricultural producers in the United States (including African-American agricultural producers) and banking and insurance professionals have agribusiness expertise that would be invaluable for agricultural producers in sub-Saharan African and Caribbean Basin countries;

(C) a commitment by the United States is appropriate to support the development of a comprehensive agricultural skills training program for those agricultural producers that focuses on—

- (i) improving knowledge of insecticide and sanitation procedures to prevent crop destruction;

- (ii) teaching modern agricultural techniques that would facilitate a continual analysis of crop production, including—

(I) the identification and development of standard growing practices; and

(II) the establishment of systems for recordkeeping;

- (iii) the use and maintenance of agricultural equipment that is appropriate for the majority of eligible agricultural producers in sub-Saharan African or Caribbean Basin countries;

- (iv) the expansion of small agricultural operations into agribusiness enterprises by increasing access to credit for agricultural producers through—

(I) the development and use of village banking systems; and

(II) the use of agricultural risk insurance pilot products; and

- (v) marketing crop yields to prospective purchasers (including businesses and individuals) for local needs and export; and

(D) programs that promote the exchange of agricultural knowledge and expertise through the exchange of American and foreign agricultural producers have been effective in promoting improved agricultural techniques and food security and the extension of additional resources to such farmer-to-farmer exchanges is warranted.

(2) Goals for programs carried out in sub-Saharan African and Caribbean Basin countries

The goals of programs carried out under this section in sub-Saharan African and Caribbean Basin countries shall be—

- (A) to expand small agricultural operations in those countries into agribusiness enterprises by increasing access to credit for agricultural producers through—

(i) the development and use of village banking systems; and

(ii) the use of agricultural risk insurance pilot products;

- (B) to provide training to agricultural producers in those countries that will—

(i) enhance local food security; and

- (ii) help mitigate and alleviate hunger;

(C) to provide training to agricultural producers in those countries in groups to encourage participants to share and pass on to other agricultural producers in the home communities of the participants, the information and skills obtained from the training, rather than merely retaining the information and skills for the personal enrichment of the participants; and

(D) to maximize the number of beneficiaries of the programs in sub-Saharan African and Caribbean Basin countries.

(d) Minimum funding

Notwithstanding any other provision of law, in addition to any funds that may be specifically appropriated to carry out this section, not less than 0.5 percent of the amounts made available for each of fiscal years 2002 through 2007 to carry out this chapter shall be used to carry out programs under this section, with—

- (1) not less than 0.2 percent to be used for programs in developing countries; and

- (2) not less than 0.1 percent to be used for programs in sub-Saharan African and Caribbean Basin countries.

(e) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out programs under this section in sub-Saharan African and Caribbean Basin countries \$10,000,000 for each of fiscal years 2002 through 2007.

(2) Administrative costs

Not more than 5 percent of the funds made available for a fiscal year under paragraph (1) may be used to pay administrative costs incurred in carrying out programs in sub-Saharan African and Caribbean Basin countries.

(July 10, 1954, ch. 469, title V, § 501, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3656; amended Pub. L. 102-237, title III, § 301, Dec. 13, 1991, 105 Stat. 1855; Pub. L. 104-127, title II, §§ 224, 277(c)(1), Apr. 4, 1996, 110 Stat. 959, 979; Pub. L. 107-76, title VII, § 777, Nov. 28, 2001, 115 Stat. 747; Pub. L. 107-171, title III, § 3014, May 13, 2002, 116 Stat. 285.)

AMENDMENTS

2002—Pub. L. 107-171 reenacted section catchline without change and amended text generally, substituting, in subsec. (a), provisions relating to definitions for general provisions, in subsec. (b), provisions authorizing the President to administer the program for provisions relating to definitions, in subsec. (c), provisions relating to special emphasis on sub-Saharan African and Caribbean Basin countries for provisions relating to minimum funding, in subsec. (d), provisions relating to minimum funding for provisions relating to designation of program, and adding subsec. (e) relating to authorization of appropriations.

2001—Pub. L. 107-76, § 777(1), inserted “John Ogonowski” before “Farmer-to-Farmer Program” in section catchline.

Subsec. (d). Pub. L. 107-76, § 777(2), added subsec. (d). 1996—Subsec. (a). Pub. L. 104-127, § 277(c)(1)(A), substituted “emerging markets” for “emerging democracies” in introductory provisions.

Subsec. (a)(6). Pub. L. 104-127, § 224(1), added par. (6) and struck out former par. (6) which read as follows:

“to the extent practicable, augment the funds available for programs established under this section through the use of foreign currencies that accrue from the sale of agricultural commodities under this chapter, and local currencies generated from other types of foreign assistance activities.”

Subsec. (b)(1). Pub. L. 104-127, § 277(c)(1)(B), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The term ‘emerging democracy’ means a country that is taking steps toward—

“(A) political pluralism, based on progress toward free and fair elections and a multiparty political system;

“(B) economic reform, based on progress toward a market-oriented economy;

“(C) respect for internationally recognized human rights; and

“(D) a willingness to build a friendly relationship with the United States.”

Subsec. (c). Pub. L. 104-127, § 224(2), substituted “0.4 percent of the amounts” for “0.2 percent of the amounts”, “1996 through 2002” for “1991 through 1995”, and “0.2 percent to be used” for “0.1 percent to be used”.

1991—Subsec. (a)(3). Pub. L. 102-237 struck out comma after “public”.

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 1513 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1691 of this title.

SUBCHAPTER VI—ENTERPRISE FOR THE AMERICAS INITIATIVE

§ 1738. Establishment of Facility

There is established in the Department of the Treasury an entity to be known as the “Enterprise for the Americas Facility” (hereafter referred to in this subchapter as the “Facility”).

(July 10, 1954, ch. 469, title VI, § 601, as added Pub. L. 101-624, title XV, § 1512, Nov. 28, 1990, 104 Stat. 3658.)

EFFECTIVE DATE

Subchapter effective Jan. 1, 1991, see section 1513 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1691 of this title.

EX. ORD. NO. 12757. IMPLEMENTATION OF ENTERPRISE FOR THE AMERICAS INITIATIVE AND THE TROPICAL FOREST CONSERVATION ACT OF 1998

Ex. Ord. No. 12757, Mar. 19, 1991, 56 F.R. 12107, as amended by Ex. Ord. No. 12823, Dec. 3, 1992, 57 F.R. 57645; Ex. Ord. No. 13028, Dec. 3, 1996, 61 F.R. 64589; Ex. Ord. No. 13131, July 22, 1999, 64 F.R. 40733, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Agricultural Trade Development and Assistance Act of 1954 (“ATDA Act”) [7 U.S.C. 1691 et seq.], as amended by Public Law 101-624 and Public Law 102-237, the Foreign Assistance Act of 1961 (“FAA”) [22 U.S.C. 2151 et seq.], as amended by Public Law 102-549 and Public Law 105-214, and section 571 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (“Public Law 104-107”) [110 Stat. 748], it is hereby ordered as follows:

SECTION 1. The functions vested in the President by sections 603, 604, 611, and [former] 614 of the ATDA Act [7 U.S.C. 1738b, 1738c, 1738j, and former 1738m], sections 703, 704, 805(b), 806(a), 807(a), 808(a)(1)(A), 808(a)(2), 812 and 813 of the FAA [22 U.S.C. 2430b, 2430c, 2431c(b), 2431d(a), 2431e(a), 2431f(a)(1)(A), (2), 2431j, 2431k], and section 571(a)(1) of Public Law 104-107 are delegated to the Secretary of the Treasury (“Secretary”), who shall exercise such functions in accordance with recom-

mendations of the National Advisory Council on International Monetary and Financial Policies (“Council”), as established by Executive Order No. 11269 of February 14, 1966 [22 U.S.C. 286b note]; except that, with respect to the eligibility determinations required by section 703(a)(1), (2), (3), and (4) of the FAA and the corresponding determinations required by section 805(b) of the FAA, [sic] the Secretary of the Treasury shall act in accordance with the recommendations of the Secretary of State. The functions vested in the President by sections 808(a)(1)(B) and (C), and 808(a)(4) of the FAA, and by section 571(a)(2), (c) and (d) of Public Law 104-107 are also delegated to the Secretary, who shall exercise such functions in accordance with recommendations of the Council and in consultation with the Secretary of State. The Secretary of State, when necessary, shall report to the Council regarding the need to review the implementation of environmental programs pursuant to section 611 of the ATDA Act.

SEC. 2. (a) For purposes of section 1 of this order only, the membership of the Council shall be expanded to include the following: the Secretary of Agriculture, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and the Administrator of the Environmental Protection Agency.

(b) Whenever matters being considered by the Council may be of interest to an agency not represented on the Council, the chairperson may invite a representative of such agency to participate in meetings and deliberations of the Council.

(c) In the event of a disagreement among agencies represented on the Council, the Secretary shall refer the issue to the appropriate Cabinet-level body designated by the President.

SEC. 3. (a) The functions vested in the President by section 607 of the ATDA Act [7 U.S.C. 1738f] are delegated to the Secretary of State, in consultation with the Department of the Treasury, the Department of Agriculture, the Department of Commerce, the Council on Environmental Quality, the Environmental Protection Agency, the Agency for International Development, and any other agency determined by the Secretary of State to have an interest in an environmental framework agreement.

(b) Pursuant to section 610(c) of the ATDA Act [7 U.S.C. 1738i(c)] and section 709(1) of the FAA [22 U.S.C. 2430h(1)], the Enterprise for the Americas Board shall advise the Secretary of State on the negotiations of the environmental framework agreements and the Americas Framework Agreements. The Enterprise for the Americas Board, as constituted pursuant to section 811 of the FAA [22 U.S.C. 2431i], shall also advise the Secretary of State and the Administrator of the United States Agency for International Development on the Secretary—s [sic] negotiation of Tropical Forest Agreements.

(c) The Secretary of State shall ensure that the elements and requirements for the Administering Bodies established in section 607(c) of the ATDA Act and sections 708(c) and 809(c) of the FAA [22 U.S.C. 2430g(c), 2431g(c)] shall be included in the environmental framework agreements, the Americas Framework Agreements and the Tropical Forest Agreements, respectively.

SEC. 4. (a) The six U.S. Government members of the Enterprise for the Americas Board (“Board”) established by section 610 of the ATDA Act [7 U.S.C. 1738i] shall be representatives from the Department of State, the Department of the Treasury, the Department of Agriculture, the Environmental Protection Agency, the Agency for International Development, and the Inter-American Foundation. The two additional U.S. Government members of the Enterprise for the Americas Board appointed pursuant to section 811(b)(1)(A) of the FAA [22 U.S.C. 2431i(b)(1)(A)] shall be a representative of the International Forestry Division of the United States Forest Service and a representative of the Council on Environmental Quality.